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BAY AREA PAINTERS AND TAPERS
PENSION FUND, et al.

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAY AREA PAINTERS AND TAPERS
PENSION FUND, et al.,

Plaintiffs,
v.

FRANK WILLIAM MITCHELL, individually
and dba MITCHELL CONSTRUCTION
DRYWALL METAL STUDS,

Defendant.

Case No.: C08-0530 EDL

**DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE
and
REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: January 28, 2008

Respectfully submitted,
SALTZMAN & JOHNSON LAW CORPORATION

/s/
Muriel B. Kaplan
Attorneys for Plaintiffs

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 120 Howard Street, Suite 520, San Francisco, California 94105.

On January 31, 2008, I served the following document(s):

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE and
REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Frank Mitchell
dba Mitchell Construction Drywall Metal Studs
310 Rancho Murieta Drive, Apt. D
Vacaville, California 95687**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 31st day of January, 2008, at San Francisco, California.

/S/ _____